

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

ROBERT W. AVERY  
ADC #652373

PLAINTIFF

v.

No. 4:20-cv-1403-DPM

DEPARTMENT OF THE TREASURY;  
INTERNAL REVENUE SERVICE;  
BUREAU OF FISCAL SERVICE;  
and JOHN and JANE DOES

DEFENDANTS

ORDER

Motion, *Doc. 7*, denied. The CARES Act didn't forbid the offset Avery complained of. The Court therefore stands by its conclusion that Avery's complaint failed to state a claim on which relief may be granted. *Doc. 4*. In any event, though, this Court's conclusion that the dismissal counts as a strike is not binding. If Avery files another lawsuit, then it will be up to that Court to independently decide that question. 28 U.S.C. § 1915(g); *Hill v. Madison County, Illinois*, 983 F.3d 904, 906 (7th Cir. 2020); *Fourstar v. Garden City Group, Inc.*, 875 F.3d 1147, 1153 (D.C. Cir. 2017).

So Ordered.

W. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

2 February 2021